

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

APPLETON PAPERS INC. and	)	
NCR CORPORATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 08-CV-00016-WCG
	)	
GEORGE A. WHITING PAPER	)	
COMPANY, et al.,	)	
	)	
Defendants.	)	

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**RESPONSE OF DEFENDANT WTM I COMPANY TO PLAINTIFFS' PROPOSED  
FINDINGS OF FACT IN SUPPORT OF THEIR MOTION FOR SUMMARY  
JUDGMENT ON CERTAIN DEFENDANTS' STATE LAW COUNTERCLAIMS**

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Pursuant to Civil L.R. 56(b)(2)(B), Defendant WTM I Company ("WTM") responds to Plaintiffs' [Proposed] Findings of Fact, Dkt. 945, as follows:

1. - 6.

Response: Proposed Findings of Fact 1 - 6 are not directed to WTM and therefore do not require a response from WTM.

7. Defendant WTM I Company has alleged that it incurred costs and damages in connection with the Lower Fox River Site as a result of the allegedly negligent actions of Plaintiffs. Roach Decl., Ex. 6 [Answer and Counterclaims of WTM I Company to the Seventh Amended Complaint, Dkt. 300 (Oct. 16, 2008)].

Response. WTM admits that Exhibit 6 to the Roach Declaration properly reproduces WTM's Answer and Counterclaim, Dkt. 300. That document speaks for itself, and WTM denies Proposed Finding of Fact 7 to the extent that it characterizes WTM's pleading.

8. WTM has not alleged or specifically identified any other damages resulting from the allegedly negligent actions of Plaintiffs, other than costs and damages incurred in connection with the Lower Fox River Site. Roach Decl., Ex. 6 [Answer and Counterclaims of WTM I Company to the Seventh Amended Complaint, Dkt. 300 (Oct. 16, 2008)].

Response. WTM admits that Exhibit 6 to the Roach Declaration properly reproduces WTM's Answer and Counterclaim, Dkt. 300. That document speaks for itself, and WTM denies Proposed Finding of Fact 8 to the extent that it characterizes WTM's pleading.

9. - 10.

Response: Proposed Findings of Fact 9 - 10 are not directed to WTM and therefore do not require a response from WTM.

11. WTM has alleged that it has incurred costs and damages in connection with the Lower Fox River Site as a result of Plaintiffs' alleged failure to warn and/or misrepresentations concerning an unreasonably dangerous product. Roach Decl., Ex. 6 [Answer and Counterclaims of WTM I Company to the Seventh Amended Complaint, Dkt. 300 (Oct. 16, 2008)].

Response: WTM admits that Exhibit 6 to the Roach Declaration properly reproduces WTM's Answer and Counterclaim, Dkt. 300. That document speaks for itself, and WTM denies Proposed Finding of Fact 11 to the extent that it characterizes WTM's pleading.

12. WTM has not alleged or identified any other damages resulting from Plaintiffs' alleged failure to warn and/or misrepresentations, other than costs and damages incurred in connection with the Lower Fox River Site. Roach Decl., Ex. 6 [Answer and Counterclaims of WTM I Company to the Seventh Amended Complaint, Dkt. 300 (Oct. 16, 2008)].

Response: WTM admits that Exhibit 6 to the Roach Declaration properly reproduces WTM's Answer and Counterclaim, Dkt. 300. That document speaks for itself, and WTM denies Proposed Finding of Fact 12 to the extent that it characterizes WTM's pleading.

13. - 20.

Response: Proposed Findings of Fact 13 - 20 are not directed to WTM and therefore do not require a response from WTM.

Dated: August 2, 2012

Respectfully submitted,

Nancy K. Peterson (SBN 1000197)  
Peter C. Karegeannes (SBN 1015025)  
William H. Harbeck (SBN 1007004)

s/Nancy K. Peterson

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